

**Janet Napolitano**  
Governor

**Robert B. Pinkert, O.D.**  
President

**Christina M. Sorenson, O.D.**  
Vice President



**Arizona State Board of Optometry**  
1400 West Washington, Suite 230  
Phoenix, AZ 85007

**Margaret Whelan**  
Executive Director

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Telephone (602) 542-8155 • Fax (602) 542-3093

## **FINAL MINUTES FOR REGULAR SESSION MEETING: JULY 15, 2005**

### **Board Members**

Robert B. Pinkert, O.D., President  
Christina M. Sorenson, O.D., Vice-President  
Caroline Griego, O.D.  
Robert J. Maynard, O.D.  
Lawrence Ponemon, PhD  
Curtis R. Winkler, M.D.

### **Staff:**

Margaret Whelan, Executive Director  
Dan Carey, Licensing Administrator

### **Legal Counsel:**

Dawn Walton Lee, Assistant Attorney General

### **A. CALL TO ORDER:**

Dr. Pinkert called the meeting to order at 9:00 a.m.

### **B. ROLL CALL:**

Board Members Present: Robert B. Pinkert, O.D., President  
Christina M. Sorenson, O.D., Vice President  
Robert J. Maynard, O.D.  
Caroline Griego, O.D.  
Lawrence Ponemon, PhD

Board Members Absent: Curtis Winkler, M.D

Legal Counsel Present: Dawn Walton Lee, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director  
Dan Carey, Licensing Administrator

### **C. PRESIDENT'S REPORT:**

None

**D. REVIEW, DISCUSSION AND VOTE ON FORMAL ADMINISTRATIVE HEARINGS AND ADMINISTRATIVE LAW JUDGE DECISION:**

1. Jon Houck, O.D., Hearing on License Denial, Docket No. 05-200510-OBA

Ms. Lee, appearing as an advocate for the State of Arizona, summarized the case and recommendation from the Office of Administrative Hearings. She asked the Board to review the report and uphold its original decision to deny the application for licensure.

**MOTION:** Dr. Pinkert moved to accept the ALJ's finding of facts, rejecting item #21 and the last sentence of item #19. Dr. Maynard seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	1					X	
NO	3	X	X				X
ABSTAIN	1			X			
ABSENT	1				X		

**VOTE:** Motion fails 3-1. Dr. Ponemon abstained.

**SECOND MOTION:** Dr. Maynard moved to adopt finding of facts ALJ of the office of administrative hearings. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	3	X	X				X
NO	1					X	
ABSTAIN	1			X			
ABSENT	1				X		

**VOTE:** Motion passes 3-1. Dr. Ponemon abstained.

**THIRD MOTION:** Dr. Maynard moved to adopt the conclusions of laws and adopt the recommendation ALJ of the office of administrative hearings. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	3	X	X				X

NO	1					X	
ABSTAIN	1			X			
ABSENT	1				X		

**VOTE:** Motion passes 3-1. Dr. Ponemon abstained.

**RECOMMENDED ORDER:** In view of the foregoing it is recommended that Dr. Houck's appeal in this matter be dismissed and that the denial of the application issued by the Arizona State Board of Optometry be upheld and affirmed.

**MOTION:** Dr. Greigo moved to accept recommended order by Administrative Law Judge Tully. Dr. Maynard seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	3	X	X				X
NO	1					X	
ABSTAIN	1			X			
ABSENT	1				X		

**VOTE:** Motion passes 3-1

2. Peter Suchsland, O.D., Hearing on License Denial, Docket No. 05-200511-OBA

Dr. Pinkert summarized the case and asked the Board to adopt finding of facts, conclusions of law and recommendation of the office of administrative hearings.

Mr. J. Arthur Eaves was present and summarized his case on behalf of Dr. Suchsland asking the Board adopt the recommendation from the Office of Administrative Hearings. Ms. Lee, appearing as an advocate for the State of Arizona, summarized the case and recommendation from the Office of Administrative Hearings. She asked the Board to review the report and modify its original decision.

**MOTION:** Dr. Pinkert moved to adopt finding of facts and conclusions of law and adopt the recommendation of the office of administrative hearings. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	1			X			
ABSENT	1				X		

**VOTE:** Motion passes 4-0. Dr. Ponemon abstained.

**SECOND MOTION:** Dr. Griego moved to adopt the recommendation of the office of administrative hearings and grant a license with a letter of concern for unprofessional conduct for providing an inaccurate answer to question #22 on the license application. Dr. Pinkert seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0			X			
ABSENT	1				X		

**VOTE:** Motion passes 4-0. Dr. Ponemon abstained.

**E. REVIEW AND APPROVAL OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER:**

3. ASBOO vs. Neha V. Amin, O.D., IR#200445

The Board reviewed the order as submitted and made no changes.

The Board accepts the order for decree of censure as written.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

**VOTE:** Motion passes 5-0

**F. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:**

4. ASBOO vs. Jerry R. Burger, O.D., IR#200448

Dr. Sorenson summarized the case and recommended the Board issue a letter of concern for practicing the profession of optometry without a license.

**MOTION:** Dr. Maynard moved to go into executive session for legal advice and discussion of confidential records. Dr. Sorenson seconded the motion.

**VOTE:** The motion passed 5-0.

Board went into executive session at 9:18 a.m.

Board reconvened regular session at 9:32 a.m.

**MOTION:** Dr. Maynard moved to negotiate a consent agreement for a decree of censure for violation of A.R.S. 32-1741 of the optometric practice act. Dr. Griego seconded the motion.

**AMENDED MOTION:** Dr. Maynard moved to negotiate a consent agreement for a decree of censure for violation of A.R.S. 32-1741 of the optometric practice act and go to informal interview if the parties are not able to reach a consent agreement. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

**VOTE:** Motion passes 5-0.

5. A.S vs. Mark Page, O.D., IR#200508

Dr. Maynard summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

**MOTION:** Dr. Sorenson moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

**VOTE:** Motion passes 5-0.

6. C.F. vs. Kenneth Williams, O.D., IR#200512

Dr. Griego summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

**MOTION:** Dr. Sorenson moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Maynard seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X	X			X
NO	0						
ABSTAIN	1					X	
ABSENT	1				X		

**VOTE:** Motion passes 5-0. Dr. Pinkert abstained.

7. J.A. vs. William Curran O.D., IR#200514

Dr. Pinkert summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

**MOTION:** Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

**VOTE:** Motion passes 5-0.

**G. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:**

8. Bane, David
9. Burson, Stacey
10. Castleton, Keith
11. Chhor, Katherine
12. Crook, Daniel
13. Cucuzza, Leslie

14. Dhillon, Pardeep
15. Engelke, Carla
16. Garvey, Katherine
17. Giese, Eric
18. Giese, Shawn
19. Gitchell, William
20. Horvath, Andrew
21. Jones, Justin
22. Jones, Darcy
23. Lambson, Jared
24. Lewis, James
25. Martin-Chang, Carolyn
26. Martinez-Lezama, Emilio
27. Mendez Roberts, Amanda
28. ~~Mody, Dipa~~ WITHDRAWN
29. Moulton, Jason
30. Olsen, Jeremy
31. Palmer, Marshall
32. Patel, Jetal
33. Pham-Jibben, Ha
34. Quarnberg, Cody
35. Ralick, Veronica
36. Reichardt, Christina
37. Souder-McCallen, Alicia
38. Sowards, Jesse
39. Stensos, Jason
40. Valente Caywood, Jennifer
41. Weston, Stacie
42. Wilson, Jeffrey
43. Winter, Joel
44. ~~Wybrow, Mason~~ WITHDRAWN

**MOTION:** Dr. Maynard moved to approve all above listed applicants excluding tabs 28, 43, 44.  
Dr. Griego seconded the motion.

**VOTE:** The motion passed 5-0.

**MOTION:** Dr. Maynard moved to go into executive session for legal advice. Dr. Pinkert seconded the motion.

**VOTE:** The motion passed 5-0.

Board went into executive session at 10:50 a.m.  
Board reconvened regular session at 11:00 a.m.

**MOTION:** Dr. Maynard moved to approve tab 43 with a letter of concern for providing an inaccurate answer to question #22 on the license application and failure to disclose previous criminal history as required on the license application. Dr. Pinkert seconded the motion.

**VOTE:** The motion passed 5-0.

**H. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PENDING ENDORSEMENT APPLICATIONS:**

- 45. Blum, Neil
- 46. Castleman, Chantel
- 47. Cunningham, James
- 48. ~~Dombkowski, Kay~~ WITHDRAWN
- 49. ~~Reedy, Lawrence~~ WITHDRAWN
- 50. Sinek, Timothy

**MOTION:** Dr. Pinkert moved to approve tabs 46 and 50 for licensure by endorsement. Dr. Sorenson seconded the motion.

**VOTE:** The motion passed 5-0

**MOTION:** Dr. Pinkert moved to approve tab 45 for licensure by endorsement. Dr. Sorenson seconded the motion.

**VOTE:** The motion passed 5-0

**MOTION:** Dr. Griego moved to deny licensure to tab 47, James Cunningham based on the fact that the applicant does not meet the requirements of an endorsement applicant pursuant to A.R.S. §§32-1722 and 1723. Dr. Maynard seconded the motion.

**VOTE:** The motion passed 5-0.

**I. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.**

**Fiscal Year 2005/2006**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.	SCCO -Clinical Topics in Optometry	3/22/05	8 Regular
b.	Florida Optometric Association/Nova Southeastern University-FOA Annual Convention	7/21/05	26 Regular
c.	Hodges Eye Care and Surgical Center-Refractive LASIK and Wavefront Analysis with Live Lasik Demonstration	6/28/05	2 Regular
d.	Pacific University College of Optometry-See Sick Syndrome: It's diagnosis and Treatment with Simple Home or Office Vision Therapy	Correspondence	2 Correspondence
e.	Pacific University College of Optometry-Use of Short Wavelength and Frequency Doubling Perimetry for Glaucoma Diagnosis and Management	Correspondence	3 Correspondence
f.	Pacific University College of Optometry-Use of Topical steroids for the Treatment of Anterior Segment Ocular Disease	Correspondence	3 Correspondence



g.	Southern Arizona Optometric Society-Resident Cases	5/10/05	1 Regular
h.	Advanced Vision Correction Foundation-2005 Current Trends in Refractive Surgery	7/13/05	2 Regular
i.	Pfizer Ophthalmics-Glaucoma Management from the Patient's Perspective	4/12/05	1 Regular
j.	Paradise Valley Eye Specialists-Conductive Keratoplasty (CK)	5/5/05	2 Regular
k.	The Dulaney Foundation-2005 Aspen Invitational refractive Symposium	3/6/05	13 Regular, 2 PM
l.	CIBA Vision-A New Generation of Contact Lens Care	Correspondence	2 Correspondence
m.	The Eye Center Group-Practical Management of Surgical Eyecare	3/12/05	2 Regular
n.	University of Waterloo College of Optometry-Contact lens Advancements, Pharmaceutical Update, Ocular Surgery Update	6/9/05	24 Regular
o.	UH College of Optometry-CE in Vegas	6/10/05	12 Regular 3 Correspondence
p.	Southern California College of Optometry-3rd Annual Ocular Disease program II	7/9/05	18 Regular
q.	Ferris State University-12 Hour Summer CE	6/05/05	11 Regular
r.	Pacific University College of Optometry-A Review of Optometric Assessment Techniques for Use with Mentally Retarded and Special Needs Patients	Correspondence	3 Correspondence
s.	College of Optometrist in Vision Development-Evaluation Management and Visual Information Problems	11/1/05	14 Regular
t.	College of Optometrist in Vision Development-Evaluation Management and Visual Information Processing Problems	11/1/05	14 Regular
u.	College of Optometrist in Vision Development-Optometric Management of Patients with Acquired Brain Injury	11/1/05	14 Regular
v.	College of Optometrist in Vision Development-Visual and Human Development in Infant and Child	11/1/05	14 Regular
w.	College of Optometrist in Vision Development-Evaluation and Management of Strabismus and Amblyopia	11/1/05	14 Regular
x.	University of Houston-CE in the Rockies	7/7/05	16 Regular
y.	Biosyntrx-Smart Medicine for your Eyes: the Role of Nutraceuticals in the Primary Care Practice	8/3/05	2 Regular

**MOTION:** Dr. Sorenson moved to accept tabs a through y excluding tabs i., j., k and m.  
 Dr. Maynard seconded the motion.

**VOTE:** The motion passed 5-0.

**MOTION:** Dr. Maynard moved to accept tabs k and m. and table tabs i. and j. to obtain course outline. Dr. Sorenson seconded the motion.

**VOTE:** The motion passed 5-0.

**J. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.**

- 51. March 18, 2005 Regular Session Meeting Minutes
- 52. March 18, 2005 Executive Session Meeting Minutes
- 53. April 15, 2005 Regular Session Meeting Minutes

**MOTION:** Dr. Maynard moved to approve tab 51-53 with amendments as written of the minutes.  
Dr. Sorenson seconded the motion.

**VOTE:** The motion passed 5-0.

**K. EXECUTIVE DIRECTOR'S REPORT:**

- 54. Timeline for Rules Implementation and dissemination
- 55. 2005 ARBO Conference
- 56. New Board meeting days for 2006
- 57. Board Statistics (Information Only)

Ms. Whelan reported on tabs 54-57 inclusive.

**L. CALL TO PUBLIC:**

Dr. Pinkert made a call to the public at 11:25 a.m. No one was present to address the Board.

Dr. Pinkert moved to adjourn the meeting. Dr. Sorenson seconded the motion. Meeting adjourned at 11:25 a.m.

**END OF MINUTES:**

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Margaret Whelan, Executive Director

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Date